

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED

FILED
October 21 20 *09*
DAVID J. MALAND, CLERK
U.S. DISTRICT COURT

By *BC* DEPUTY

UNITED STATES OF AMERICA

VS.

JUAN CARLOS GARZA,
MARCUS HERNANDEZ,
STEVIE ELEBY, Jr.
and
CURTIS TUMBS

§
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§
§
§
§
§
§

Cause No. 1:09-CR-146

Judge Heartfield

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 21 U.S.C. § 846 Conspiracy
with intent to distribute a controlled
substance.

That from on or about September 2009, the exact date being unknown to the Grand Jury,
and continuing thereafter until October 8, 2009, in the Eastern District of Texas and elsewhere,
Juan Carlos Garza, Marcus Hernandez, Stevie Eleby Jr, and Curtis Tumbs, defendants, did
knowingly and intentionally combine, conspire, confederate and agree together with each other
and with other persons known and unknown to the Grand Jury to distribute and possess with
intent to distribute five kilograms of more of a mixture or substance containing a detectable
amount of a Schedule II controlled substance, namely, cocaine HCL, in violation of 21, U. S. C.
Section 841(a)(1) and 18, U.S.C., § 2. In violation of 21, U.S.C., § 846.

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Criminal Forfeiture Pursuant to 21 U.S.C. § 853 and § 881

Upon conviction of the controlled substance offense alleged in Count One of this Indictment, defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained directly, or indirectly, as a result of the said violation, and any property used, or intended to be used in any manner or part, to commit or to facilitate the commission of the said violation, including but not limited to the following:

MONEY JUDGMENT

A sum of money equal to \$345,000.00 in United States currency, representing the amount of proceeds obtained as a result of the offense alleged in Count One, conspiracy to distribute and possess with intent to distribute five kilograms of more of a mixture or substance containing a detectable amount of a Schedule II controlled substance, namely, cocaine HCL for which the defendants are jointly and severally liable.

CASH

\$32,000.00 in United States funds seized from the defendants on the day of their arrest.

PERSONAL PROPERTY

Motor vehicles:

1) 2006 Lincoln Truck, Silver in color, VIN 5LTPW16586FJ09170, X077466 LA registration, registered to Kathy Dao, 2721 Jasper St., Kenner, LA.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;

- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

It is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.

By virtue of the commission of the felony offense charged in this Indictment by the Defendant(s) any and all interest the Defendant(s) has/have in the above-described properties is vested in the United States and hereby forfeited to the United States pursuant to Title 21, U.S.C., §§ 853 and/or 881.

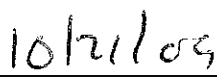
A TRUE BILL



GRAND JURY FOREPERSON


JOHN M. BALES
UNITED STATES ATTORNEY

John A. Craft
Assistant United States Attorney



Date

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Cause Number 1:09-CR 146

NOTICE OF PENALTY

Count One

Violation: 21 U.S.C. § 841(a)(1); 21 U.S.C. § 846

Penalty: Not less than **TEN (10)** years nor more than **LIFE** imprisonment,
a fine not to exceed **\$4,000,000.00**, or both,
and supervised release of not less than **FIVE (5)** years or more than
life.

Special Assessment: \$100.00